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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 **KIMBERLY BEAGLE,**

12 **Plaintiff,**

13 **vs.**

14 **RITE AID CORPORATION, a corporation;
and DOES 1-100, inclusive,**

15 **Defendants.**

Case No.: CV08-1517-PJH

[PROPOSED] ORDER DENYING
DEFENDANT, RITE AID'S MOTION TO
DISMISS DISABILITY HARASSMENT
CAUSE OF ACTION FOR LACK OF
SUBJECT MATTER JURISDICTION

Date: Wednesday, June 4, 2008

Time: 9:00 a.m.

Dept.: Courtroom 3, 17th Floor

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18 Defendant, RITE AID'S motion to dismiss Plaintiff, KIMBERLY BEAGLE'S second
19 cause of action for disability harassment for lack of subject matter jurisdiction came on regularly
20 for hearing on June 4, 2007 before the Honorably Phyllis A. Hamilton. Mark S. Adams, Esq. of
21 Mayall, Hurley, Knutsen, Smith & Green appeared on behalf of Plaintiff, KIMBERLY
22 BEAGLE. Annmarie M. Liermann, Esq. of Kelly, Hockel & Klein, P.C. appeared on behalf of
23 Defendant, RITE AID.

24 The court having considered the papers filed in support of and in opposition of the
25 motion, the arguments of counsel at the hearing on the motion, the pleading on file in this action,

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1 and GOOD CAUSE APPEARING THEREFORE, makes the following order:

2 Defendant's motion to dismiss Plaintiff's second cause of action for disability harassment
3 is hereby DENIED.

4 IT IS SO ORDERED.

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6 DATED:

JUDGE, PHYLLIS A. HAMILTON
Judge of the United States District Court,
Northern District of California

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